

“The lessons ... use a variety of formats to teach the desired skills and subject content.”

USING CALI LESSONS TO REVIEW (OR TEACH) LEGAL RESEARCH AND WRITING CONCEPTS

BY JAMES E. DUGGAN

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Technology for Teaching ... *is a regular feature of Perspectives, designed to introduce and describe the ways in which teachers of legal research and writing are using technology to enhance their teaching. In this issue, we present a training script designed for teaching Internet research to attorneys and staff in a law firm setting. Readers are invited to submit their own “technological solutions” to the editor of the column: Christopher Simoni, Associate Dean for Library and Information Services and Professor of Law, Northwestern University School of Law, 357 East Chicago Avenue, Chicago, IL 60611-3069, phone: (312) 503-0295, fax: (312) 503-9230, e-mail: csimoni@nwu.edu.*

Question: True or False: Legal research and writing instructors must come up with their own review exercises to help students learn the intricacies of citation, drafting, IRAC, and research methodologies.

Answer: False. Instructors should take advantage of the Center for Computer-Assisted Legal Instruction (CALI), which offers more than 150 lessons on a wide variety of legal subjects, from administrative law to wills and trusts in its “CALI Library of Lessons.” At least 12 of the 150 exercises are categorized under the subject “Legal Writing and Research,” and they offer research, drafting, and reasoning skills as their primary focus. This article looks at the CALI program and describes the specific lessons available for legal writing and research students.

CALI Lessons, In General

CALI lessons are available to member law schools (that pay an annual fee) and faculty at nonmember schools, agencies, law firms, and CLE programs (who pay a special annual site license). The lessons can be run via the Web (with a password provided by your school or organization) or on a local area network or individual computer (selected exercises will run only on a Macintosh® or Windows® platform). In addition, students at member schools can purchase individual copies of the CALI CD-ROM for a nominal price (in fact, for the past two years many law schools have purchased individual CALI CD-ROMs for their students).

The lessons are written primarily by law faculty and librarians and use a variety of formats to teach the desired skills and subject content. Many of the lessons use tutorials with multiple-choice and matching questions to lead students in applying concepts they have just learned to new or different situations. Also, many of the more recently written lessons provide a host of helpful features, including an outline feature that provides an overview of the entire lesson (this allows the user to pick up where she left off, if interrupted in the middle of a lesson) and a scoring feature that keeps track of how many correct answers were given (and offers the user the ability to view and print a “certificate” containing the user’s name, lesson title, date and time, number of questions attempted, number answered correctly, and a percentage score).

Other features of newer lessons include a Grade button that determines whether the user’s indicated answer to a specific question is correct (and if not correct advises the user to “try again”) and an Answer button that provides the correct answer to the posed question (handy if the user wants to quickly learn the material without using “trial and error” to get a correct response). In addition, embedded links within the text of some lessons provide definitions and other helpful information for selected terms and concepts. All lessons use a Help button that offers directions on how to answer the specific types of questions posed in every CALI lesson. Member law schools that use The West Education Network® (TWEN®)¹ can link specific CALI lessons to course Web pages.

¹ See <<http://lawschool.westlaw.com/twen>>.

Legal Research and Writing Lessons

Legal research and writing instructors can take advantage of a number of excellent exercises that offer students the chance to both review and learn new skills in the areas of researching and citing authority, drafting contracts, briefing cases, using IRAC to learn analysis, and writing law school exams. The legal writing and research lessons' completion times run from 30 minutes to three hours depending on the individual lesson and user. Here is a quick rundown of the 12 currently available² legal research and writing lessons:

- **ALWD Citation Form** (written by Darby Dickerson, Associate Dean, Associate Professor of Law and Director of Research and Writing, Stetson University College of Law; lesson is available via Web and Windows download)

This exercise introduces the recently published (2000) Association of Legal Writing Directors *ALWD Citation Manual* and provides questions that direct the student to read relevant portions of the *Manual*, and then respond to questions about specific citation examples and concepts. Covered topics include citation basics (typeface; abbreviations; spelling and capitalization; ordinal numbers; pinpoint, full, and short citations; and supplements); commonly cited sources (cases, statutes, books and treatises, and legal periodicals); incorporating citations into documents (citation placement and use, and introductory signals); and quotations. A final quiz with 20 questions rounds out the lesson, with answers that provide instant feedback, making this an excellent beginner exercise for *ALWD Citation Manual*. Approximate completion time: 2–5 hours.

- **Citation Form for Briefs and Legal Memoranda** (written by Cathleen Wharton, Director, Legal Writing Program, University of Georgia School of Law; Daisy Hurst Floyd, Associate Dean for Academic Affairs and Professor of Law, Texas Tech University Law

School; and Bertis E. Downs, IV, Instructor, University of Georgia School of Law; available via Web and Windows download)

Originally written in 1986, this exercise (although reviewed and revised during the 1999–2000 school year) teaches citation format for briefs and legal memoranda (but not law review footnotes) using the Sixteenth Edition of *The Bluebook: A Uniform System of Citation*. Three major types of authorities are covered: cases, statutes, and secondary authorities. Questions range from ones with simple multiple-choice answers to more difficult ones that ask the user to type the correct citation to an authority after being supplied with the relevant identifying information (the user must then compare her citation to the correct citation, which is provided). Approximate completion time: 1–1.5 hours.

- **Drafting Contracts Using “Shall”, “May” and “Must”** (written by Debra R. Cohen, Associate Professor of Law, West Virginia University College of Law; available via Web, Windows, and Macintosh download)

This 1987 lesson illustrates the differences between the drafting terms “shall” (obligation), “may” (authorization), and “must” (condition precedent) in contracts. Each term is treated in its own section, with an explanation about the operative language that the term suggests, commentary about when and when not to use, and specific interactive questions testing term usage. Three general exercise questions end the lesson by testing the student’s mastery of the three terms. Approximate completion time: 45 minutes.

- **Drafting with “And” and “Or”** (written by Marjorie A. McDiarmid, Associate Dean and Professor of Law, West Virginia University College of Law; available via Web, Windows, and Macintosh download)

Using Scott Burnham’s discussion of “and” and “or” in his book *Drafting Contracts* (Michie, 2d ed.) as a basis for this exercise, McDiarmid explains when the use of each term is correct and when ambiguities are created by incorrect usage. Students are taught to recognize proper use of these conjunctions and to write clear

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² Please note that lessons are reviewed and revised on a periodic basis, and new lessons are added as they become available (e.g., *ALWD Citation Form* lesson was added to the CALI Library of Lessons in 2000 after the publication of the *ALWD Citation Manual*).

sentences using both the “several” and “joint” “and” and the “inclusive” and “exclusive” “or” with the aid of a mock client interview and drafting exercise. Approximate completion time: 30 minutes.

- **Learning Legal Analysis Through Its Components: Issue, Rule, Application, Conclusion—IRAC** (written by Peter Jan Honigsberg, Professor of Law and Director of Legal Research and Writing Program, University of San Francisco School of Law; available via Web, Windows, and Macintosh download)

Designed to be used by a first-year law student very early in the first semester, this 1989 lesson introduces legal analysis using IRAC (issue; rule of law; application of the law to the facts; and conclusion). Students are provided with a definition of each IRAC component and then presented with a series of questions testing component mastery. A small closed-universe hypothetical concludes the lesson by inviting users to analyze a legal problem using the IRAC approach. Approximate completion time: 1 hour.

- **Legal Research 101: The Tools of the Trade** (written by Sheri H. Lewis, Associate Law Librarian for Research Services, Mercer University Law School, and Donald A. Arndt Jr., Associate Director/Head of Public Services, University of Nebraska Schmid Law Library; available via Web, Windows, and Macintosh download)

Using “lawyer-under-construction” as a theme, this 1998 lesson introduces the first-year law student to the basics of legal research, including the differences between legal research and other types of research, types of legal research tools and sources, and ways that legal authorities are used and updated. Each component uses explanatory text and exercise problems to reinforce the specific tool, authority, or method being explored. A final section makes some additional research points before reviewing what has been learned with closing exercises. This lesson effectively uses humor to convey the fundamentals of legal research to beginners. Approximate completion time: 1 hour.

- **Legal Research Methodology** (written by Wendy Scott, Associate Librarian for Public Services and Instructor of Legal Research, Syracuse University College of Law, and Kennard R. Strutin, Senior Assistant Reference Librarian and Instructor of Legal Research, Syracuse University College of Law; available via Web, Windows, and Macintosh download)

Although aimed at students who have some experience doing legal research (or who have completed the typical first-year course), this 1997 (but reviewed and updated during 1999–2000) exercise can also be used as a study guide for students who are initially learning legal research basics. The lesson is divided into five sections: *Brainstorming* (students are invited to analyze the research assignment by using active listening, interviewing behavior, and fact finding); *Developing a Query Statement*; *Documentation* (learning how to record the results and progress of research); *Research Process* (applying the appropriate research methodology and using cost-effective techniques); and *Finishing Research* (updating, knowing when to stop). Approximate completion time: 1.5–2 hours.

- **Researching Federal Administrative Regulations** (written by Sheri H. Lewis, Associate Law Librarian for Research Services, Mercer University Law School, and Donald A. Arndt Jr., Associate Director/Head of Public Services, University of Nebraska Schmid Law Library; available via Web, Windows, and Macintosh download)

Originally written in 1997 (but reviewed and updated during 1999–2000), this lesson begins with a skills assessment quiz, which enables the student to determine her level of federal regulatory research knowledge. From there, the student is introduced to federal rules and regulations, their publication in the *Federal Register* and *Code of Federal Regulations*, finding tools, and research and updating techniques. Each section contains a review quiz that tests the student’s comprehension of the section’s components. Twelve factual research scenarios are presented with step-by-step instructions to illustrate how to locate specific types of information. The skills assessment quiz can be

retaken at the conclusion of the lesson as a measure of the lesson's effectiveness.
Approximate completion time: 2–3 hours.

- **Using IRAC to Develop an Objective Memorandum of Law** (written by Peter Jan Honigsberg, Professor of Law and Director of Legal Research and Writing Program, University of San Francisco School of Law; available via Macintosh download)

Available only for Macintosh platforms, this lesson builds on the concepts learned in Honigsberg's earlier CALI lesson, *Learning Legal Analysis Through Its Components: Issue, Rule, Application, Conclusion—IRAC*, by using a closed-universe contract release hypothetical for students to consider and analyze. The hypothetical includes a “client’s file” with the facts of the case and a listing of the relevant authorities. Students must use the IRAC approach to properly identify and analyze each issue, and can then produce a memorandum of law (which can be compared with a sample memorandum prepared by Honigsberg).
Approximate completion time: 3 hours.

Although not specifically labeled as “legal writing and research” exercises, the remaining three lessons do have some writing components:

- **Drafting a Contract: The Sale of Goods** (written by Scott J. Burnham, Professor of Law, University of Montana School of Law; available via Web, Windows, and Macintosh download)

This 1989 lesson was designed for students to use their knowledge of contract law in order to draft a contract. Principles of drafting (including caption writing, language of agreement, operative language, recitals, definitions, and closing) are explored with selective questions. Approximate completion time: 1–1.5 hours.

- **How to Brief a Case** (written by Professor Edward C. Martin, Samford University Cumberland School of Law; available via Web download)

Available only via the Web, this lesson departs from the traditional CALI format by using only

embedded HTML (Web) pages and does not offer the Next, Grade, or Score buttons available with other CALI lessons. Students are introduced to the reasons for case briefing and the 10 components of a basic case brief, and then are asked to read and brief two sample cases. Martin provides his own sample briefs for the two cases, which students can compare with their own work. Approximate completion time: 2 hours.

- **Writing Better Law School Exams: The Importance of Structure** (written by William R. Andersen, Judson Falknor Professor of Law, University of Washington School of Law; available via Windows download)

This lesson, which should be viewed by every law student, discusses the writing format expected on the majority of “issue-spotting” exams, and provides opportunities for students to practice what they have learned.
Approximate completion time: 1.5 hours.

Conclusion

CALI lessons can help students review (or even learn) concepts associated with most law school research and writing courses, and can be easily accessed by students from CALI-member schools via the Web or from individual CD-ROMs. Instructors should consider assigning (or recommending) legal writing and research lessons as needed. For more information about CALI, see CALI's Web site at <<http://www.cali.org>> or contact CALI at 1313 Fifth Street SE, Minneapolis, MN 55414, phone: 612-627-4908, e-mail: cali@umn.edu.

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